



STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION

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Controller, Sacramento

CINDY RAMBO
Executive Director

(916) 323-7713

June 22, 1990

90/44

TO INTERESTED PARTIES:

RULE 324
DECISION

Following a scheduled public hearing on February 6, 1990, the State Board of Equalization adopted amendments to Property Tax Rule 324, Decision. The rule as amended is effective May 23, 1990.

Enclosed for your information is a final printed copy of the rule.

If you have any questions regarding the content of this rule, please contact Mr. Robert Keeling, (916) 323-7713. If you wish extra copies of this rule, please write to State Board of Equalization, Document Design and Control Unit, P.O. Box 942879, Sacramento, CA 94279-0001.

Sincerely,

Cindy Rambo
Executive Director

CR:md
Enclosures
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State of California
BOARD OF EQUALIZATION
PROPERTY TAX RULES

Chapter 1. State Board of Equalization — Property Tax
Subchapter 3. Local Equalization
Article 1. Hearing by County Board

Rule 324. DECISION.

References: Article XIII A, California Constitution, Section 15606 Government Code, Section 402.1, 402.5, 1609, 1610 8, 1611.5, Revenue and Taxation Code.

(a) Determination of Taxable Value.

Acting upon the evidence properly before it, the Board shall determine the taxable value of the property, including both real and personal property, which is the subject of the hearing. The determination of the taxable value shall be supported by a preponderance of the evidence presented during the hearing. The Board shall consider evidence of value derived by the use of any of the valuation methods described in section 3 of this chapter. It shall determine whether the method(s) used was (were) properly applied, considering the type of property assessed and any governmentally imposed land use restrictions, by examining the factual data, the presumptions, and the estimates relied upon.

(b) Jurisdiction.

The Board's authority to determine the taxable value of property, while limited by the laws of this state and the laws of the United States and usually exercised in response to an application for equalization, is not predicated on the filing of an application nor limited by the applicant's request for relief.

When an application for review includes only a portion of an appraisal unit, whether real property, personal property, or both, the Board may nevertheless determine the taxable value of other portions that have undergone a change in ownership, new construction or a decrease in value. Additionally, the Board shall, on its own motion or at the assessors' request, determine the market value of the entire appraisal unit whenever that is necessary to the determination of the market value of any portion thereof.

An appraisal unit of property is a collection of assets that function together and that commonly sell as a unit or that are specifically designated as such by law.

(c) Valuation Principles.

The Board shall be bound by the same principles of valuation that are legally applicable to the assessor.

(d) Comparable Sales.

When valuing a property by a comparison with sales of other properties, the Board may consider those sales which, in its judgment, involve properties similar in size, quality, age, condition, utility, amenities, site location, legally permitted use, or other physical attributes to the property being valued. When valuing property for purposes of either the regular roll or the supplemental roll, the Board shall not consider a sale if it occurred more than 90 days after the date for which value is being estimated. The Board shall presume that zoning or other legal restrictions, of the types described in Revenue and Taxation Code section 402.1, on the use of either the property sold or the property being valued will not be removed or substantially modified in the predictable future unless sufficient grounds as set forth in that section are presented to the Board to overcome that presumption.

(e) Findings of Fact.

When written findings of fact are made, they shall fairly disclose the Board's findings on all material points raised in the application and at the hearing. The findings shall also include a statement of the method or methods of valuation used in determining the full cash value of the property, and shall be made timely after the hearing.

Rule 324. DECISION. (Continued)

History: Adopted May 11, 1967, effective June 11, 1967.
Amended October 4, 1967, effective October 5, 1967.
Amended May 21, 1968, effective June 26, 1968.
Amended November 20, 1968, effective November 22, 1968.
Amended May 6, 1970, effective June 6, 1970.
Amended May 5, 1971, effective June 10, 1971.
Amended April 14, 1972, effective May 14, 1972.
Amended December 17, 1975, effective January 25, 1976.
Amended July 27, 1982, effective February 10, 1983.
Amended March 6, 1990, effective May 23, 1990.